

REMARKS

I. Introduction

In response to the March 14, 2007 final Office Action, independent claim 60, from which all of the other claims at issue depend, now recites for clarification purposes only a first connector member comprising an outer housing and a first threaded member coaxially disposed in the outer housing and separated therefrom by an annular cavity and a second connector member comprising a second threaded member. This clarifying feature is viewable in FIGS. 17-18 of the drawings and no new matter is introduced hereby. As this clarifying change is analogous to the clarifying suggestion made in the final Office Action (paragraph 15) additional search and consideration is not required for this feature and a Notice of Allowability is now in order for this application. Alternatively, entry of this Amendment is respectfully requested for the purpose of placing the claims in better form for appeal. In either of the foregoing situations, the clarifying change to independent claim 60 is made only to expedite prosecution and is in the form of a semantic change rather than to differentiate from the cited references and should be entered at this time.

II. Election/Restriction

Applicants respectfully request rejoinder of claims 27-59 for the reasons detailed herein but mainly because these claims claim subject matter found in claims 60-75, twice examined and rejected (once in the present outstanding final Office Action and the Office Action dated September 29, 2006) and, therefore, should properly be retained in this application rather than being the subject of one or more divisional applications. Claims 27-41 are directed to a connector and claims 42-59 are directed to a fluid path set for use in a fluid delivery system. The injector system of claims 60-75 includes in general substance the limitations of “connector” claims 27-41 and, likewise, the fluid path set of claims 42-59 includes in general substance the limitations of “connector” claims 27-41. Accordingly, the very features examined and rejected on two occasions with respect to claims 60-75 are substantially present in claims 27-59 and these claims should properly be rejoined into the application as the most efficient use of examining resources and financial costs borne by Applicants. The record abundantly demonstrates that no additional burden is present with respect to the maintenance and examining of the substance of claims 27-59 in this application as these features have already been examined in substance. It is

noted for completeness that dependent claims 28-41 associated with “connector” independent claim 27 and dependent claims 43-59 associated with “fluid path set” independent claim 52 are substantially identical to dependent claims 61-71 associated with “injector system” independent claim 60. Therefore, there is no additional burden on the Examiner by rejoining claims 27-59 into this application as examination of claims 60-75 will necessarily cover the subject matter of claims 27-59. Again, the maintenance of claims 27-59 in this application will save examining effort and reduce the financial cost of prosecuting these claims in one or more divisional applications for Applicants. Rejoinder of claims 27-59 is therefore respectfully requested. Applicants have amended independent claims 27 and 42 to match the changes made to date with respect to independent claim 60. Applicants request that a final determination on this issue be provided in the next communication for purposes of petition. The rejoinder of claims 27-59 further places the pending claims in better form for appeal.

III. Summary of the Rejections

Claims 60-68 and 72-75 stand rejected under 35 USC § 102(b) for anticipation by United States Patent No. 6,096,011 to Trombley III et al. (“Trombley”). Claim 60, 61, 68, and 69 stand rejected under 35 USC § 102(b) for anticipation by United States Patent No. 6,371,942 to Schwartz et al. (“Schwartz”). Finally, claims 60-67 and 70-73 stand rejected under 35 USC § 102(b) for anticipation by 5,618,268 to Raines et al. (“Raines”). Applicants respectfully request reconsideration of these rejections.

IV. Rejections Under 35 USC § 102(b)

Independent claim 60 clarifies the general arrangement of the connector members, specifically the first connector member. The foregoing clarifying change is not believed by Applicants to be necessary to distinguish over the cited references but is provided in light of the specific suggestion in the final Office Action (paragraph 15) and to expedite prosecution of the application to allowance.

In the final Office Action, the arrangement in Fig. 4 of Trombley is again cited in connection with independent claim 60. In this arrangement, a first member (155) and a second member (175) are adapted to form a connection. First member (155) includes a threaded outer portion (170). Second member (175) includes a threaded inner portion (192). Second member

(175) further includes a penetrating element (182) that is adapted to penetrate a flexible septum (160) disposed at a forward surface (172) of first member (155).

With respect to Schwartz, the association of syringe (22) with a supply port (20) is again cited in the final Office Action in connection with independent claim 60. Supply port (20) appears to terminate in a structure that threadably engages an internally threaded portion at the distal end of syringe (22). This internally threaded portion is formed with an internal male luer that engages supply port (20) which is formed with a female luer.

Lastly, Raines is again cited in connection with the connecting arrangement claimed in independent claim 60. In particular, Figs. 8-9 of Raines are apparently identified in the final Office Action in connection with the claimed connecting arrangement. For example, in Fig. 9A, tubular section (16) terminates at a distal end with exterior thread (64). A counterpart engaging tube connector (65) having a connector body portion (66) is adapted to connect to tubular section (16) and defines internal threads (74) to engage the exterior thread (64) on tubular section (16). Tubular section (16) is generally formed as a female luer and tube connector (65) receives medical tubing (69) that may be seated within the female luer structure of tubular section (16).

Close inspection of Fig. 4 of Trombley, Fig. 1 of Schwartz, and Fig. 9A of Raines will quickly reveal that none of the illustrated connecting structures can be considered to have a connector member comprised of an outer housing and a threaded member coaxially disposed in the outer housing where the threaded member is separated from the outer housing by, for example, an annular cavity. In Fig. 4 of Trombley, the only structure that could be considered to be disposed in a “housing” is penetrating element (182) and this structure is clearly not threaded. In fact, neither of the connector members (175, 155) in the Trombley structure has a threaded member separated from an outer housing of the connector member by, for example, an annular cavity as claimed in independent claim 60. In Schwartz, neither of the connecting luers associated with syringe (22) and supply port (20) is threaded. Moreover, to clarify further, only the male luer associated with syringe (22) is arguably provided in an outer housing structure and, as with Trombley, this male luer is not threaded. Accordingly, the standard luer arrangement taught by Schwartz does not have a threaded member separated from an outer housing of the connector member by, for example, an annular cavity as claimed in independent claim 60.

Lastly, with respect to Raines, tubular section (16) lacks any internally disposed structure that could be considered to be a threaded member. As indicated previously, counterpart tube connector (65) allows medical tubing (69) to be inserted therein. However, such medical tubing (69) is not physically part of tube connector (65) as it is just passed therethrough and is, therefore, not a member disposed in an outer housing as part of a medical connector as set forth in independent claim 60. Moreover, it is abundantly clear that medical tubing (69) is not threaded and there is no basis based on the teachings of Raines to provide a threaded structure disposed coaxially or otherwise in tube connector (65) for any of the disclosed embodiments in this patent. Accordingly, with respect to Raines, neither of the respective connector structures (65, 16) includes an outer housing and a threaded member coaxially disposed in the outer housing where the threaded member is separated from the outer housing by, for example, an annular cavity. In fact, only one of the connector structures (65) in Raines has an outer housing structure and the corresponding inner member (medical tubing 69) is not threaded as noted previously.

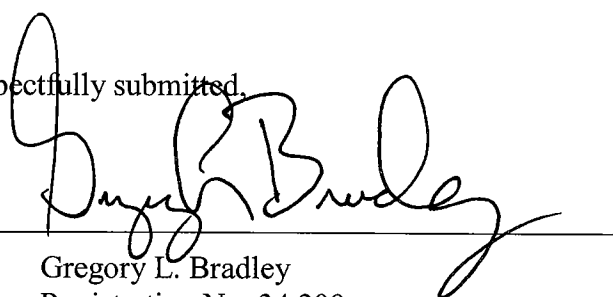
V. Conclusion

In view of the foregoing, the cited references individually fail to teach a first connector member comprising an outer housing and a threaded member coaxially disposed in the outer housing and separated from the outer housing by, for example, an annular cavity and a second connector member comprising a second threaded member. Accordingly, independent claim 60 cannot be anticipated by any of these references. Since claims 61-75 depend directly or indirectly from independent claim 60, they likewise cannot be anticipated by the cited references. Reconsideration of all the rejections is respectfully requested.

Should the Examiner have any questions regarding any of the foregoing or wish to discuss this application in further detail to advance prosecution, the Examiner is invited to contact Applicants' undersigned representative.

Respectfully submitted,

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